

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 31186 of 2006(K)

PETITIONER:

THE THANNEERMUKKOM SRVICE CO-OPERATIVE
BANK LTD NO.A 809, THANNEERMUKKOM,
ALAPPUZHA 688 527, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV

RESPONDENTS:

1. THE DISTRICT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHERTHALA, ALAPPUZHA.
2. THE ASSISTANT TRANSPORT OFFICER,
KARALA STATE ROAD TRANSPORT CORPORATION,
GURUVAYOOR, TRICHUR.
3. K.SANAL KUMAR, VISWAVILASOM,
POOCHACKAL P.O., CHERTHALA, ALAPPUZHA.
4. KUNJUMON K.S., KANNATTUKARI,
THANNEERMUKKOM P.O., CHERTHALA, ALAPPUZHA.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C) No. 31186 of 2006 (K)

Dated this the 28th day of November, 2006

J U D G M E N T

Writ petitioner is a Co-operative Bank, who gave loan of Rs.25,000/- to the 4th respondent on 20/04/1998, which has to be repaid to the bank, with an interest at the rate of 19% per annum. But the 4th respondent defaulted the payments. There is an agreement entered into between respondents 3 and 4, the surety and the principal debtor, respectively, with the writ petitioner bank, taking the responsibility to repay the loan amount and also, in default, agreeing and authorising the writ petitioner to recover the amount due to the bank from the salary of respondents 3 and 4. Exhibit P1 bond and Exhibit P2, the salary certificate of the 3rd respondent, show an undertaking given, for deducting the amount from his salary, as per the demand of the writ petitioner Bank. The grievance of the writ petitioner is that, despite Exhibit P5 requisition to deduct the salary and forward to the writ petitioner bank, respondents 1 and 2 are not complying with the same. Hence, the petitioner is

before this Court through this writ petition.

2. I heard the arguments advanced by the learned counsel for the writ petitioner and the learned Standing Counsel for respondents 1 and 2, Mr.K.Prabhakaran. I dispense notices to respondents 3 and 4.

3. After hearing the learned Senior Government Pleader and applying Section 37 of the Co-operative Societies Act, 1969, I dispose of the writ petition, directing the 2nd respondent, the Assistant Transport Officer, K.S.R.T.C., Guruvayoor, Thrissur, to deduct the amount due to the writ petitioner bank, as stated in Exhibit P5, from the salary of the third respondent, the guarantor, on every month, and remit the same, within seven days from the date of deduction of the salary, to the account of the writ petitioner bank.

(J.M.JAMES)
Judge

ms